

ESTTA Tracking number: **ESTTA39106**

Filing date: **07/18/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91161940
Party	Defendant UAL Loyalty Services, Inc. UAL Loyalty Services, Inc. 8550 West Bryn Mawr,6th Floor Chicago, IL 60631
Correspondence Address	Michele H. McCoy Brinks Hofer Gilson & Lione P.O.Box 10395 Chicago IL U, SA 60610 jprioleau@brinkshofer.com, officeactions@brinkshofer.com
Submission	Motion to Compel Discovery
Filer's Name	Jennifer A. Prioleau
Filer's e-mail	jprioleau@brinkshofer.com, officeactions@brinkshofer.com
Signature	/jap1973/
Date	07/18/2005
Attachments	Applicant's Motion To Compel.pdf (5 pages) Applicant's Exhibit A.pdf (11 pages) Applicant's Exhibit B.pdf (8 pages)

Our File No. 11332/30

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Serial No. 78/234,815
For the Mark: CRUISE4MILES**

310-Limo, Inc.,)	
)	
Opposer)	
)	
v.)	Opposition No. 91/161,940
)	
UAL Loyalty Services, Inc.,)	
)	
Applicant.)	

APPLICANT'S MOTION TO COMPEL

Applicant, UAL Loyalty Services, Inc., hereby moves this Board pursuant to Trademark Rule 2.120(e), 37 C.F.R. § 2.120(e), TBMP §§ 523.01-02, for an order compelling Opposer, 310-Limo, Inc., to: (1) respond to and produce documents responsive to Applicant's First Set of Requests to Opposer for Production of Documents and Things and; and (2) respond to Applicant's First Set of Interrogatories. The facts and argument in support of Applicant's motion are set forth more specifically as follows:

1. On November 30, 2004, Applicant, UAL Loyalty Services, Inc., served by First-Class mail upon Opposer, 310 Limo, Inc., Applicant's First Set of Requests to Opposer for Production of Documents and Things and Applicant's First Set of
-

Interrogatories. (A copy of Applicant's document requests is attached as Exhibit A. A copy of Applicant's interrogatories is attached as Exhibit B.)

2. Pursuant to TBMP §§ 405.04, 406.04(a), the responses to Applicant's First Set of Requests to Opposer for Production of Documents and Things and Applicant's First Set of Interrogatories were due on or about January 3, 2005, 35 days after the November 30, 2004, mailing date.

3. Opposer did not comply with this rule and as of the date this motion was filed, Opposer has not responded to Applicant's discovery requests in any way nor has it produced any documents and things as requested by Applicant.

4. On March 18, 2005, Applicant's counsel spoke with Opposer's attorney, Michael Bosworth of Burns, Doane, Swecker & Mathis LLP, via telephone to ascertain why there was no response to any of Applicant's discovery requests. Opposer's attorney explained that Opposer apparently did not receive the above-mentioned discovery requests.

5. On March 21, 2005, Applicant and Opposer filed a stipulated motion to extend the close of discovery by 60 days to May 20, 2005, in part, to allow Opposer time to respond to the discovery.

6. On March 21, 2005, Applicant re-served via overnight courier Applicant's First Set of Requests to Opposer for Production of Documents and Things and Applicant's First Set of Interrogatories.

7. On May 19, 2005, Applicant's counsel again spoke with Opposer's counsel via telephone to ascertain why there was no response to any of Applicant's discovery requests. Opposer's counsel acknowledged receipt of the discovery

requests. Applicant's counsel explained that Applicant was prepared to file a motion to compel. In light of this conversation, Applicant has made a good faith effort to resolve Opposer's failure to respond to the discovery requests.

8. On May 20, 2005, Applicant and Opposer filed a second stipulated motion to extend the close of discovery by 90 days to August 18, 2005, again to allow Opposer time to respond to the discovery and to prosecute its case.

9. As of the date this motion was filed, Opposer has still not responded to Applicant's discovery requests in any way nor has it produced any documents or things as requested by Applicant.

10. Thus, because Opposer has completely failed to respond to the discovery requests, and because Applicant has tried to amicably resolve this matter with Opposer to no avail, Applicant's Motion To Compel should be granted. *Envirotech Corp. v. Compagnie Des Lampes*, 219 U.S.P.Q 448 (TTAB 1979). (granting Applicant's Motion to Compel where there has been a complete failure to respond to discovery requests and where Applicant contacted the Opposer to resolve the matter).

For the foregoing reasons, Applicant, UAL Loyalty Services, Inc., respectfully requests that this Board enter an order compelling the Opposer, 310-Limo, Inc. to respond to Applicant's First Set of Requests to Opposer for Production of Documents and Things and to respond to Applicant's First Set of Interrogatories. In the

alternative, Applicant requests that Opposer's Notice of Opposition be dismissed with prejudice.

Respectfully submitted,

Applicant, UAL Loyalty Services, Inc.



Dated: July 18, 2005

By:

Thomas M. Williams
Jennifer A. Prioleau
BRINKS HOFER GILSON & LIONE
455 N. Cityfront Plaza Dr.
Chicago, Illinois 60611
(312) 321-4200

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing
APPLICANT'S MOTION TO COMPEL, was served on opposing counsel by first
class mail on this 18th day of July 2005, addressed as follows:

Michael Bosworth
Burns, Doane, Swecker & Mathis LLP
1737 King Street, Suite 500
Alexandria, Virginia 22314

Jennifer Prioleau

Our File No. 11332/30

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Serial No. 78/234,815
For the Mark: CRUISE4MILES**

310-Limo, Inc.,)	
)	
Opposer)	
)	
v.)	Opposition No. 91/161,940
)	
UAL Loyalty Services, Inc.,)	
)	
Applicant.)	

**APPLICANT'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS AND THINGS**

Applicant UAL Loyalty Services, Inc. ("Applicant"), through its attorneys, hereby requests pursuant to Rule 34 of the Federal Rules of Civil Procedure that Opposer 310-Limo, Inc. ("Opposer") serve a written response to Applicant's First Request for Production of Documents and Things within thirty days and produce the documents and things described herein for inspection and copying at the offices of Brinks Hofer Gilson & Lione, 455 North Cityfront Plaza Drive, Chicago, Illinois 60611, within the time required by the applicable rules.

INSTRUCTIONS FOR PRODUCTION OF DOCUMENTS

1. You are to produce all originals, drafts, copies and photographs of the documents requested.

2. The documents to be produced in response to this request include all documents within your possession, custody or control. This includes documents in the possession, custody or control of your attorneys, agents, employees, investigators, consultants, and experts, as well as any firm, company, corporation or business in which you own a controlling interest or over which you exercise control in fact. You are required to use reasonable diligence to locate the documents, including those that are not in your immediate possession.

3. If you claim that the attorney-client privilege, or any other privilege, doctrine or reason for withholding a document is applicable, please set forth in writing: (a) the date of the document; (b) the type of document; (c) the subject matter of the document; (d) the name, employment and title of each person who prepared or received the document or any copy thereof; and (e) the basis for the claim of privilege or other ground for withholding the document. If it is claimed that only part of the document is privileged or otherwise need not be produced, please produce the remaining part of the document.

4. If any document to be produced has been lost, discarded, transferred to another person or entity, shredded, destroyed, or otherwise disposed of, please set forth in writing: (a) the date, name and subject matter of the document; (b) the name, employment and title of each person who prepared, received, reviewed, or had custody, possession, or control of the document; (c) all persons with knowledge of the contents or any portion of the contents of the document; (d) the previous location of the document; (e) the date of disposal or transfer of the document; (f) the reason for disposal or transfer of the document; and, if applicable, (g) the manner of disposal of the document; or, if applicable, (h) the names and addresses of the transferees of the document.

5. Documents shall be produced in an order corresponding to each paragraph of this document request or, in the alternative, they may be produced in the same order as they are maintained in the ordinary course of business.

6. This request shall be deemed continuing, so as to require further and supplemental production promptly if you receive, generate or discover additional documents called for herein between the time of the production and the time of any motion or evidentiary hearing.

DEFINITIONS

1. "Document" or "documents" includes every original (and every copy of any original or copy which differs in any way from any original) and every writing or recording of every kind or description, whether handwritten, typed, drawn, sketched, printed or recorded by any physical, mechanical, electronic or electrical means whatsoever, including without limitation, books, records, papers, pamphlets, brochures, flyers, mailings, circulars, advertisements, specifications, surveys, drawings, sketches, graphs, charts, plans, ledger accounts, audits, inventories, tax returns, financial statements, profit and loss statements, cash flow statements, balance sheets, annual or other periodic reports, prospectuses, registrations, solicitations, minutes, stock ledgers, stock certificates, licenses, permits, calendars, appointment books, diaries, telephone bill and toll call records, expense reports, commission statements, itineraries, agendas, checkbooks, canceled checks, receipts, contracts, agreements, assignments, applications, offers, acceptances, proposals, financing statements, documents of title, appraisals, purchase orders, invoices, bills of lading, written memorials of oral communications, forecasts, photographs, photographic slides, or negatives, films, filmstrips, electronic mail, tape recordings and computer stored data, as well as any drafts of the foregoing.

2. The conjunctive shall include the disjunctive and the disjunctive shall include the conjunctive.

3. The singular shall include the plural and the plural shall include the singular.

4. A masculine, feminine or neuter pronoun shall not exclude the other genders.

5. “Refers to” or “relates to” means directly or indirectly mentioning or describing, referring to, pertaining to, concerning evidencing, being connected with, constituting, comprising or reflecting upon a stated subject matter.

6. “Applicant” means Applicant UAL Loyalty Services, Inc., and any of its related companies within the meaning of the Lanham Act, and its employees, agents, officers, directors, attorneys, licensees, assignees and any successors or predecessors-in-interest.

7. “Opposer” means Opposer 310-Limo, Inc., and any of its related companies within the meaning of the Lanham Act, including all companies that are authorized to use Opposer’s marks, and its employees, agents, officers, directors, attorneys, licensees, assignees and any successors or predecessors-in-interest.

8. Unless otherwise specified, “Applicant’s Mark” shall mean the mark CRUISE4MILES (Serial No. 78/234,815), used either alone or in connection with other words or designs, in any typestyle, format or design.

9. Unless otherwise specified, “Opposer’s Marks” shall mean any common law rights referenced in the Notice of Opposition in this case, used either alone or in connection with other words or designs, in any typestyle, format or design.

10. “Mark” includes trademarks, service marks, and trade names as defined in 15 U.S.C. § 1127.

11. "Person" refers to both natural persons and to corporate or other business entities.

DOCUMENTS REQUESTED

1. All documents and things that relate to or refer to any trademark including the element "CRUISE" and used for trading airline miles as a credit for other forms of travel, or transportation services, or programs allowing customers to earn or redeem airline miles.

2. All documents and things that relate to or refer to any trademark including the element "MILES" and used for trading airline miles as a credit for other forms of travel, or transportation services, or programs allowing customers to earn or redeem airline miles.

3. All documents and things that relate to or refer to any trademark that is similar in sound, appearance or meaning to Opposer's Marks and used for trading airline miles as a credit for other forms of travel, or transportation services, or programs allowing customers to earn or redeem airline miles.

4. All documents and things that relate to or refer to any formal or informal objections made by Opposer to the use by others of Opposer's Marks or any other mark that Opposer believed to be confusingly similar to Opposer's Marks.

5. All documents and things that relate to or refer to any formal or informal objections made by Opposer to the registration by others of Opposer's Marks or any other mark that Opposer believed to be confusingly similar to Opposer's Marks.

6. All documents and things that relate to or refer to any formal or informal objections made by third parties to the registration of Opposer's Marks.

7. All documents and things that relate to or refer to any formal or informal objections made by third parties to the use of Opposer's Marks.

8. All documents and things that relate to or refer to the selection and adoption of Opposer's Marks and Opposer's decision to use Opposer's Marks.

9. All documents and things that relate to or refer to Opposer's first use of Opposer's Marks in the United States or its territories.

10. All documents and things that relate to or refer to any papers filed with the U.S. Patent and Trademark Office concerning Opposer's Marks.

11. All documents and things that relate to or refer to any goods or services sold under Opposer's Marks.

12. All documents and things that relate to or refer to the types of facilities in which goods or services sold under Opposer's Marks are used or intended to be used.

13. All documents and things that relate to or refer to the types of individuals who use goods or services sold under Opposer's Marks.

14. All documents and things that relate to or refer to the types of individuals who purchase goods or services sold under Opposer's Marks.

15. All documents and things that relate to or refer to the trade channels through which goods or services identified by Opposer's Marks are sold.

16. All documents and things that relate to or refer to the manner in which goods or services sold under Opposer's Marks are used or intended to be used.

17. All documents and things that relate to or refer to the methods by which goods or services identified by Opposer's Marks are marketed and sold.

18. All documents and things that relate to the manner in which goods or services identified by Opposer's Marks are purchased and selected by consumers.

19. All documents and things that relate to or refer to any market research or other studies or investigations, whether formal or informal, regarding the types of individuals and the classes of consumers who use goods or services sold under Opposer's Marks.

20. All documents and things that relate to or refer to any market research or other studies or investigations, whether formal or informal, regarding the types of individuals and the classes of consumers who purchase goods or services sold under Opposer's Marks.

21. All documents and things that relate to or refer to or reflect the dollar volume of sales of goods or services sold under Opposer's Marks in the United States or its territories from the first such sales to date.

22. All documents and things that relate to or refer to or reflect the dollar volume of advertising and promotional expenditures made in connection with goods sold under Opposer's Marks in the United States or its territories from the first such expenditures to date.

23. Original specimens of all advertising and promotional materials relating to goods or services sold under Opposer's Marks in the United States or its territories, including but not limited to labels, packaging, flyers, hangtags, direct mail pieces, point of sale pieces, signs, posters, newspaper advertisements, magazine advertisements, media articles, catalogs, circulars, leaflets, brochures, and any other publicly distributed materials.

24. All documents and things that relate to or refer to use of Opposer's Marks on internet websites.

25. All documents and things that relate to or refer to any trademark searches which were conducted by or for Opposer in connection with the use, registration or enforcement of Opposer's Marks in the United States or its territories.

26. All documents and things that relate to or refer to the question of whether use of Applicant's Mark for the services identified in the opposed application gives rise to a likelihood of confusion with respect to use of Opposer's Marks.

27. All documents and things that relate to or refer to Opposer's advertising and promotion of goods or services sold under Opposer's Marks.

28. All trade journal articles, press releases, magazine articles, newspaper articles or other publications which relate to or refer to Opposer's Marks or to goods or services sold under Opposer's Marks.

29. All documents and things that relate to or refer to Trademark Trial and Appeal Board proceedings involving Opposer's Marks.

30. All documents and things that relate to or refer to district court proceedings involving Opposer's Marks.

31. All documents and things that relate to or refer to any instance in which a member of the public has been, or may have been, confused as a result of the contemporaneous use of Applicant's Mark and Opposer's Marks, including without limitation all documents describing each such instance of confusion.

32. All documents and things that relate to or refer to when Opposer first became aware of Applicant's Mark and the circumstances relating to Opposer's first knowledge of Applicant's Mark.

33. Any and all documents and things, which record, refer to or relate to any discussion had, opinions obtained, surveys conducted and searches conducted by or for Opposer, directed to Opposer's Marks.

34. Any and all documents and things, which record, refer to or relate to Applicant, and/or any of its predecessor entities, subsidiaries, divisions and/or affiliated companies.

35. Any and all documents and/or things, which record, refer to or relate to guidelines or strategies adopted or employed by Opposer, concerning the usage and/or intended usage by Opposer of Opposer's Marks.

36. Any and all documents and/or things, which record, refer to or relate to any communications between Opposer and any third parties relating to Applicant.

37. All documents and things that relate to or refer to any surveys or market research that has been conducted concerning Applicant's Mark or Opposer's Marks, the individuals with knowledge concerning any such surveys or market research, and the nature and methodology of any such surveys or market research, including all questionnaires and tabulations.

38. All documents and things that relate to or refer to Opposer's responses to Applicant's Interrogatories in this case, including all documents that support Opposer's responses or that were reviewed in connection with the preparation of Opposer's responses.

39. All documents and things that relate to or refer to the meaning or intended meaning of Opposer's Marks.

40. All documents and things that relate to or refer to the manner in which Opposer's Marks are displayed in connection with Opposer's goods or services.

41. Two original specimens or photographs of showing use of Opposer's Marks.

42. Specimens of all television commercials, radio commercials, print advertisements, or Internet advertisements concerning goods or services sold under Opposer's Marks.


43. All documents and things that relate to or refer to any license agreement or assignment pertaining to Opposer's Marks.

44. All documents and things that relate to the location of retail outlets, including mail order outlets and internet websites, that offer for sale or sell goods or services offered under Opposer's Marks.

45. All documents and things that relate to or refer to Opposer's alleged web site **www.cruise4miles.com** as it existed on or before April 25, 2000, including but not limited to domain name registration documents, the entire contents of the web site in printed or electronic form, correspondence regarding the web site, customer inquiries relating to the web site, and customer tracking information relating to the web site.

46. All documents referring to, relating to, recording, or reporting any managers' meeting, board meeting, officers' or directors' meeting, executive meeting, or shareholder's meeting held by or on behalf of Opposer at which Applicant's Mark was discussed, including but not limited to, any minutes, summaries, correspondence, notes, and/or reports recording the events, decisions, and/or discussions made at any such meetings.

Dated: November 30, 2004

By: 

Thomas M. Williams
Jennifer A. Prioleau
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
Telephone: (312) 321-4200
Facsimile: (312) 321-4299

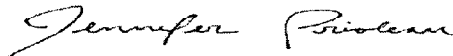
Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
**APPLICANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND
THINGS** was served on opposing counsel by Federal Express, addressed as follows:

Michael Bosworth
Burns, Doane, Swecker & Mathis LLP
1737 King Street, Suite 500
Alexandria, Virginia 22314

This 30th day of November, 2004.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Serial No. 78/234,815
For the Mark: CRUISE4MILES**

310-Limo, Inc.,)	
)	
Opposer)	
)	
v.)	Opposition No. 91/161,940
)	
UAL Loyalty Services, Inc.,)	
)	
Applicant.)	

APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER

Applicant UAL Loyalty Services, Inc. ("Applicant"), by and through its attorneys, hereby propounds, pursuant to Rule 33 of the Federal Rules of Civil Procedure, the following Interrogatories to Opposer 310-Limo, Inc. ("Opposer"), to be answered separately and fully in writing and under oath.

INTRODUCTION AND DEFINITIONS

The definitions set forth in Applicant's First Request for Production of Documents and Things, served concurrently herewith, shall also apply to these Interrogatories.

In addition, the following instructions and definitions apply herein:

A. These Interrogatories shall be deemed to seek answers as of the date hereof and shall be deemed to be continuing so that any additional information relating in any way to these Interrogatories, which Opposer acquires or which becomes known to Opposer up to

and including the time of trial, shall be furnished to Applicant promptly after such information is acquired or becomes known.

B. As used herein, “identify” or to give the “identity” of means:

(1) in the case of a natural person, to state

- (a) full name;
- (b) present residence address and telephone number;
- (c) present business address and telephone number;
- (d) present position, business affiliation and job description;
- (e) if any of the information set forth in (a) – (d) is unknown, so

state and set forth the corresponding last known such information;

(2) in the case of a corporation or other business entity, to state

- (a) full name;
- (b) address and principal place of business;
- (c) identity of officers or other persons having knowledge of the

matter with respect to which the corporation or entity is named;

(3) in the case of a document, to state

- (a) identity of the person(s) originating and preparing it and the
- sender;
- (b) its general type (*e.g.*, letter, memo, report, invoice, etc.), title,
- identifying number and the general nature of its subject matter;
- (c) the identity of the addressees and distributors, if any;
 - (d) its date of preparation;

(e) its date and manner of transmission, distribution and publication, if any;

(f) location of each copy (including title, index number and location of the file in which it is kept or from which it was removed) and identity of the present custodian or persons responsible for its filing or other disposition;

(g) identity of persons who can authenticate or identify it.

INTERROGATORY NO. 1:

Identify (by listing the trademark, the owner, and the relevant goods or services) all trademarks of which Opposer is aware that are similar in sound, appearance or meaning to Opposer's Marks and used for travel-related services, or programs allowing customers to earn or redeem airline miles.

INTERROGATORY NO. 2:

For each of Opposer's Marks, identify and describe, by mark, all goods and services for which Opposer uses Opposer's Marks, and the dates that Opposer's Marks were first used in the United States or its territories.

INTERROGATORY NO. 3:

For each of Opposer's Marks, identify and describe, by mark, the trade channels through which goods and services identified by Opposer's Marks are marketed and sold in the United States or its territories.

INTERROGATORY NO. 4:

For each type of goods or services sold under Opposer's Marks, (a) identify the types or classes of consumers who purchase the goods or services; and (b) describe the manner in which these goods or services are selected and purchased by consumers.

INTERROGATORY NO. 5:

For each type of goods or services sold under Opposer's Marks, (a) identify the types of classes of consumers who use the goods or services; (b) describe the purpose and function of the goods or services; and (c) the types of facilities, environments and/or settings in which the goods or services are used.

INTERROGATORY NO. 6:

State how Opposer's Marks were created, and give the meaning or intended meaning of Opposer's Marks.

INTERROGATORY NO. 7:

Identify the circumstances, events and acts which resulted in, and each and every person involved with, the adoption and/or selection of Opposer's Marks including without limitation, any outside firm or attorney.

INTERROGATORY NO. 8:

Identify each and every officer of Opposer having knowledge of and/or responsibility for the selection, adoption and use of Opposer's Marks, and, as to each, state the periods during which each such officer has been employed by Opposer, the positions held by each such officer and the periods thereof, and describe the nature of each such officer's duties and responsibilities.

INTERROGATORY NO. 9:

Identify each and every predecessor-in-interest, if any, of Opposer's Marks by name, date and place of incorporation, and address, and describe with particularity the nature of the business activities conducted by each such entity.

INTERROGATORY NO. 10:

State whether any market research or consumer surveys have been conducted concerning Applicant's Mark or Opposer's Marks, identify the individuals with knowledge concerning any such surveys or market research, and describe the nature and methodology of any such surveys or market research.

INTERROGATORY NO. 11:

For each of Opposer's Marks, describe how goods or services identified by Opposer's Marks are marketed and sold to U.S. consumers, including by identifying the specific methods by which goods or services are advertised and promoted under Opposer's Marks.

INTERROGATORY NO. 12:

If Opposer, or any attorney or agent acting on behalf of Opposer, has ever made, or caused to be made, any search relating to the registration, use or enforcement of Opposer's Marks, for each of Opposer's Marks, identify each document referring to or relating to any such search, including, but not limited to, each search report.

INTERROGATORY NO. 13:

Identify, by mark and owner, each mark Opposer has challenged based on Opposer's alleged trademark rights in Opposer's Marks, whether by letter, administrative proceeding, court action, or otherwise.

INTERROGATORY NO. 14:

For each challenge identified in the response to the preceding interrogatory, state how each objection was resolved, including whether a formal legal proceeding was instituted.

INTERROGATORY NO. 15:

With respect to goods and services sold under Opposer's Marks in the United States or its territories, state, for each mark, Opposer's total dollar volume of sales, on a monthly and annual basis, from the date the marks were first used to the present.

INTERROGATORY NO. 16:

State, for each mark, Opposer's total dollar volume of advertising and promotional expenditures in the United States or its territories for goods or services sold under Opposer's Marks, on a monthly and annual basis, from the first such expenditures to the present.

INTERROGATORY NO. 17:

State when Opposer first became aware of Applicant's Mark and explain the circumstances relating to Opposer's first knowledge of Applicant's Mark, including how Opposer first became aware of Applicant's Mark and the names of the individuals with knowledge concerning Opposer's first knowledge of Applicant's Mark.

INTERROGATORY NO. 18:

Identify or describe in detail all facts relating to any instance in which a member of the public has been, or may have been, confused as a result of the contemporaneous use of Applicant's Mark and Opposer's Marks, including without limitation the circumstances surrounding such confusion and the identity of individuals with knowledge regarding such confusion.

INTERROGATORY NO. 19:

For each of Opposer's Marks, describe how Opposer's Marks are used to identify the source of Opposer's goods and/or services or in a manner analogous to trademark use in the United States or its territories.

INTERROGATORY NO. 20:

For each of Opposer's Marks, identified in Interrogatory No. 19, identify the date when Opposer's Marks were first used in United States or its territories, and state whether such use has been continuous to the present date, and if not, state when such use ceased, why Opposer stopped using Opposer's Marks and whether there is current use of Opposer's Marks.

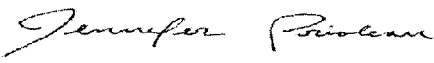
INTERROGATORY NO. 21:

Identify or describe the goods or services that were offered for sale under Opposer's alleged web site www.cruise4miles.com on or before April 25, 2000.

INTERROGATORY NO. 22:

Identify the individuals who supplied information and have knowledge concerning each of the above interrogatories.

Dated: March 21, 2005

By: 

Thomas M. Williams
Jennifer A. Prioleau
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
Telephone: (312) 321-4200
Facsimile: (312) 321-4299

Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER was served on
opposing counsel by Federal Express, addressed as follows:

Michael Bosworth
Burns, Doane, Swecker & Mathis LLP
1737 King Street, Suite 500
Alexandria, Virginia 22314

This 30th day of November, 2004